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## FACSIMILE COVER SHEET

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SEP 14 2005

September 13, 2005

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**FROM:** KRISTI HUTCHISON      **Email:** khutchison@mayerbrownrowe.com  
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**TO:** EXAMINER SHAOJIA A. JIANG  
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**Direct phone:** (571) 272-0627  
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Pages: cover + 4

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OFFICE OF PETITIONS

## MESSAGE:

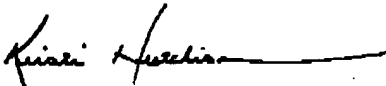
**RE: U.S. Patent Application Serial No. 10/829,618 to Dudley et al.**

Dear Examiner Jiang,

Attached please find a courtesy copy of a Petition for Suspension of Action Under 37 C.F.R. 1.103(a) which is being filed in the Petitions Office today.

Please do not hesitate to contact us should you have any questions.

Best regards,



Kristi Hutchison  
Patent Paralegal to Mark G. Paulson

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS BY MAIL. THANK YOU.

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SEP 14 2005

**PATENT**  
Docket No. 04274661**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of:

DUDLEY et al.

Serial No.: 10/829,618

Filed: April 20, 2004

For: ANDROGEN PHARMACEUTICAL  
COMPOSITION AND METHOD FOR  
TREATING DEPRESSION

Group Art Unit: 1617

Examiner: Shaojia A. Jiang

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SEP 19 2005  
**OFFICE OF PETITIONS****PETITION FOR SUSPENSION OF ACTION UNDER 37 C.F.R. 1.103(a)****MAIL STOP PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition for suspension of action by the U.S. Patent & Trademark Office for the above application in accordance with 37 C.F.R. §1.103(a). Applicants request a period of suspension of six months. No Official Action is currently pending in this application.

The Petition for Suspension of Action is being filed due to the pending litigations in Unimed Pharmaceuticals, Inc. and Laboratories Besins Iscovesco v. Watson Pharmaceuticals, Inc., Northern District of Georgia, Atlanta Division, Case No.: 1:03-CV-2501 and Unimed Pharmaceuticals, Inc. and Laboratories Besins Iscovesco v. Paddock Laboratories, Inc., Northern District of Georgia, Atlanta Division, Case No.: 1:03-CV-2503.

The petition fee as set forth in 37 C.F.R. §1.17(g) is authorized for payment on the attached fee transmittal (PTO/SB/17p). Authorization is hereby given to charge any additional fees required by this paper, or to credit any overpayment, to Deposit Account No. 503-121.

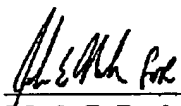
CHDB01 1296947.1 12-Sep-05 16:40

**PATENT**  
Docket No. 04274661

If the Examiner or the Petitions Office has any questions with respect to this petition,  
please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By:  Reg. No. 30,793  
Mark G. Paulson  
Registration No. 30,793  
Telephone: (202) 263-3310

Customer No. 43569  
Intellectual Property Group  
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Date: September 13, 2005

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PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/829,618
Filing Date	April 20, 2004
First Named Inventor	Dudley et al.
Art Unit	1617
Examiner Name	Shaojia A. Jiang
Attorney Docket Number	04274661

Enclosed is a petition filed under 37 CFR 1.17(g) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 503-121:☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

## Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(a) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

## Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

## Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.136(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Mark G. Paulson for Reg. No. 59,579  
Signature  
**Mark G. Paulson**  
Typed or printed name

September 13, 2005

Date

30,793

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.